June 18, ;969

Dear Mr. Pavener,

Having heard nothing from your or your secretary about what of my files you obtained from Dick Gallen, I send you herewith a copy of those parts relating to CBS. It is possible one or two letters are missing. There were phone conversations of which I have found no notes. I believe some records exist but I have not yet found them. I am reorganizing my files and will send what turns up.

The 9/25/67 letter addressed "Dear Dick" was to Gallen. It lists what I then sent him. What I send you is more complete. The John I refer to here is John Starr, the agent. I never heard from Dick about this. He and John and I were talking and I said I thought CBS had plagiarized the idea and some of the material for their fabulously-expensive four-part series on the Warren Report from me and my work. In the discussion, Dick seemed to think there might be what he called a "contract" suit.

There was a time toward the end of that year or the beginning of the next when people on the west coast got interested in my work and, in turn, had gotten some interest from Columbia Pictures. Perhaps it began sooner and I spoke to them in person later, which is probable. Anyway, this progressed to the point where I was introduced to those who would have been the lawyers in the package (Dick was kept up to date on this and had a slight correspondence of his own, I think, as did Starr) when I was in California, toward the end of 1967. I know nothing about the law, but it is my impression that these people had done some research and were of the opinion there was enough for a suit against CBS for the multimillion dollar value of those four hours of prime TV time.

The first of the CBS files, stapled together, relates to my original approach to CBS. Palmer Williams was then executive producer of CBS news (since shunted elsewhere, for I spoke to him later when I was in NYC). He surprised me by interrupting his previewing of a "special" on the police and the rights of the accused, then being shown on his office closed-circuit TV, to speak to me, and this lasted for an hour or so, into the supper hour. I proposed to him what CBS later did, exactly that, with this exception :CBS was dishonest. After he read the limited-edition of WHITEWASH, he phoned me, again a surprise, doing it himself rather than having an underling do it, asking if he could hold it longer because he wanted his assistant, Les Midgeley, to read it. I agreed. He expressed a high opinion of the work, calling it "fascinating", as I recall. Midgeley was the executive producer of the "special". I was quite excited when I left Williams, as I am confident the friends with whom I stayed in New York will recall. The husband is experienced in TV and movies. I told Williams I thought that, before the commercial appearance of any serious attacks on the Warren Report CBS would not be gutsy enough to pioneer, but that at some point there would have to be an analysis, which I proposed in the format of the book, as CBS was later to do it. When I approached Williams and CBS it was two and a half years after issuance of the Warren Report and it had not on its own had this idea or done anything with it. I did the work and I had the idea. It was in June of the following year that they presented their shows.

In those days I tried to make a memo on everyone I saw because I planned a book on the unpublishability of the subject. I am confident I made at least one on my Williams inverview, but I have not found it. I did find the receipt he gave me for the book March 28, 1966. A photocopy of it is on the same sheet as my notes of my earlier attempts to interest CBS, through a producer who had been interested in my work when he was with the CBS Philadelphia affiliate, the man who ultimately directed me to Williams.

The other letters reflect his call and Midgeley's having had the book. The letter dated May 1 was in anticipation of the general edition of the book on May 9, 1966. There was so many to write I wrote them in advance, dating some and not dating most. This letter also reflects what I had earlier suggested and what, to the best of my knowledge, had not by then even been done on TV, present evidence, as in an official proceeding. It, perhaps by coincidence, also focuses WBS attention on that part of my work they were later to emphasize in the "specials". By coincidence I mean they may well have done this without regard to my work, but they did emphasize precisely that which I here called to their attention. And I do not recall any of the evidence on this that I did not copyright.

When Midgeley said "our present schedules prevents us from doing a program based on your book" and returned it, I sent it back with the self-explanatory June 14 letter, saying the time would come, etc., and again, the added content of this letter coincides with what they later did air, including the emphasis. Midgley never answered, kept the book. I had a reply from Williams' secretary and on July 17 somebody at CBS mailed me some papers not the book, for the envelope is th wrong size for that.

The second group of papers deals with contacts with Robert Richter, a CBS producer who worked on the specials and who looked me up and asked for help. Actually, CBS was incompetent. They could not even locate in the National Archives what I had published and they sought to get thereafter. All they had to do was use my footnotes in a request for the files and they would have gotten what I dug up and used. When they asked for it, I gave them this material with the stipulation they would credit the source, meaning the book, not me as a person (at that time I had three books out and the fourth in the works). Richter phoned me and said they wou,d do this. Now they copied what I did so faithfully that what I had written and published and couldn't do for myself - getting Billy Lovelady to wear the shirt he wore at the moment of the assassination and compare that with a picture of the assassination taken by James Altgens showing a man who may have been Lovelady but who also looked like Oswald on the first floor,- they actually went to Dallas and did that. An unclear copy of four plus color frames is attached. The man with his back to the camera is Richter. My source is confidential but I will disclose it to you if you desire. These copies of the CBS duplication of my work are CBS copies. Richter, I understand, was quite disgusted at the finished product and ultimately left CBS. He phoned me before the shows were aired to tell me I would not like them but he thought they might, on balance, help develop the truth, the implication being because they were so obviously and incredibly partisan, so excessively sycophantic. Although Richter did phone to say they were using my material, with proper credit, they did not. In fact, they never once attributed any of my material to me. The closest they came was in referring to "one critic", meaning me.

The next group of papers is the correspondence with CBS after airing of the shows asking for fairness-doctrine time for proper response. In it there is reference to my belief that they made improper use of my copyrighted material. Since then the fairness doctrine has been affirmed by the Supreme Court, and I

wonder about making that request again, now, because the Supreme Court has acted as it did.

With all of this, this history of CBS knowledge of me, my work and its content which they used without permission or credit, which, as an open apologist, they undertook (unsuccessfully) to refute, they use my competitors, those whose work appeared later and duplicated mine, making repeated reference to them, but not once mentioning my work or me by name, not once making attribution. However, in a montage at the beginning of the show, they included at least one of my books, for they did have all of them, multiple copies of each.

After I got copies of the transcripts (CBS did not at first provide them and I had to get them by roundabout means), I prepared an analysis, of which I sent Dick (possibly John Starr also) a copy. I think it would be good if your secretary can obtain these things, for copying them is expensive. John also has copies of the CBS correspondence for which he has no need and we do. His phone is 421-3286. When I was last in New York he was temporarily at 421-7440.

Midgley shortly after these shows married President Johnson's adviser on consumer affairs, joining the White House Kitchen Cabinet, so to speak. His show was disgracefully and disgustingly obviously wrong in its pretended fact, in its misrepresentation and distortion add straight-out lying about fact. In any proceeding, from one before the FCC up, they would be enormously embarrassed. Their refusal of fairness-doctrine time, aside from other reasons that may be important to them, must include their knowledge that no CBS reputations would survive it. I have some of what they suppressed from the so-called experiments they conducted. They proved, for example, that the shooting attributed to Oswald was an impossibility, that most of the time the weapon wouldn't work, etc., and simply lied about it. They proved one bullet could not penetrate four parts of the bodies of three men and lied about that, too.

Their timing- it just happened to exactly coincide with a similar videowhitewash by NBC and the longest series of articles the Associated Press ever did - was to clobber Garrison and pull the teeth of those criticizing the Warren Report. All began in a single week, and at least two had been six months in the preparation, CBS and AP. I think a new request for fairness-doctrine time should now be made, particularly if there is to be an effort made to have them do something about the use of my material in the most expensive TV specials in history, for which I got nothing. I would appreciate hearing from you about this.

If there is any deficiency in what I have sent you, please let me know so I can undertake to rectify it. I have returned to writing and find it difficult to shift concentration from it. The deeper in I get the more difficult it is. I still have not heard from Bair. I tried to reach him yesterday and got the message he had gotten my message and the request that I call again later today. This may be a little sticky on Saga's part, for their lawyer, from inconclusive wording in a letter he finally sent me, seems to have charged his client for that with which I have been improperly charged and Bair does give and has given signs of restoring. Because I need this so urgently I am being careful and patient, and I have no desire to make the trouble he has earned for Saga's counsel.

Sincerely,

Harold Weisberg